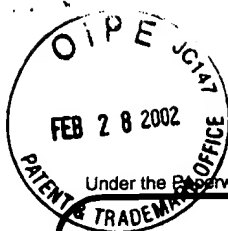


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MAR 06 2002

PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	Applicati n Numb r	09/128,156	
	Filing Date	12/04/2000	
	First Named Inventor	RICHARD F. BERGEN	
	Group Art Unit	2873	
	Examiner Name	A. HARRINGTON	
Total Number of Pages in This Submission	3	Attorney Docket Number	D/01

## ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): SPECIES ELECTION
Remarks		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	WILLIAM A. HENRY, II
Signature	William A. Henry, II
Date	2/15/02

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: 2/15/02			
Typed or printed name	WILLIAM A. HENRY, II		
Signature	William A. Henry, II	Date	2/15/02

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TECH CENTER 2800

Attorney Docket No. D/01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors: Richard F. Bergen

Application No.: 09/728,756

Group: 2873

Filed: 12/04/2000

Examiner: A. Harrington

Title: **LIGHT ALTERING DEVICE**

Commissioner for Patents

Washington, D.C. 20231

Sir:

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2/15/02

(Date of deposit)

William A. Henry, II

William A. Henry, II #  
(Signature)

**ELECTION OF SPECIES UNDER 35 U.S.C. 121**

This response is in answer to the communication mailed January 15, 2002 with a shortened statutory period for response set to expire one month from the heretofore-mentioned mailing date.

The Examiner proffers that the application is directed to the following patentably distinct species of the claimed invention:

FIG. 1 and claims 1 – 9, 10 – 16, 17 – 21, 24, 30, 31 and 36 – 40.

FIG. 5 and claims 22 and 23.

FIG. 6 and claim 25.

FIG. 7 and claims 26 and 27.

FIG. 8 and claims 28 and 29.

FIG. 9 and claims 32 – 35.

Applicant hereby elects the species of FIG. 1 and claims 1 – 9, 10 – 16, 17 – 21, 24, 30, 31 and 36 – 40 for examination.